

House File 2129 - Introduced

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A BILL FOR

1 An Act authorizing additional applications for risk pool
2 assistance for purposes of funding county mental health and
3 disability services for the fiscal year beginning July 1,
4 2011, and including effective dates.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. RISK POOL APPLICATIONS FOR FISCAL YEAR
 2 2011-2012. All moneys remaining following the distributions
 3 made pursuant to 2011 Iowa Acts, chapter 129, section 43,
 4 shall be credited to and remain in the risk pool created in
 5 the property tax relief fund pursuant to section 426B.5 for
 6 expenditure as provided by law. Notwithstanding section
 7 426B.5, subsection 2, paragraph "d", and 2011 Iowa Acts,
 8 chapter 129, section 43, subsection 2, paragraph "c", a
 9 county may apply to the risk pool board for assistance from
 10 the risk pool for the fiscal year beginning July 1, 2011, in
 11 accordance with this section. The dates specified in this
 12 section shall apply in lieu of the dates in section 426B.5,
 13 subsection 2, and the temporary funding increase provided to
 14 counties for the fiscal year beginning July 1, 2009, through
 15 the federal American Recovery and Reinvestment Act of 2009,
 16 Pub. L. No. 111-5, shall be disregarded. However, the other
 17 basic eligibility requirements for risk pool assistance
 18 and all other requirements in section 426B.5, subsection 2,
 19 shall remain applicable. A county's application for risk
 20 pool assistance must be received by the department of human
 21 services within 10 calendar days of the enactment date of this
 22 section, the risk pool board shall make its final decisions
 23 concerning the acceptance or rejection of the applications for
 24 assistance within 15 working days of the final receipt date
 25 for applications, and the warrants providing the assistance to
 26 counties shall be issued within 15 working days of the date the
 27 risk pool board's funding decisions are issued.

28 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
 29 immediate importance, takes effect upon enactment.

30 EXPLANATION

31 This bill authorizes applications for and expenditures from
 32 the risk pool in the property tax relief fund for purposes of
 33 county mental health and disability services for FY 2011-2012.

34 Code section 426B.5, subsection 2, establishes the risk pool
 35 within the property tax relief fund to provide assistance to

1 counties in funding adult mental health, mental retardation,
2 and developmental disabilities services. The risk pool is
3 administered by the department of human services. Under 2011
4 Iowa Acts, chapter 129, section 43, distributions were made to
5 counties to address waiting lists for such services. The bill
6 authorizes counties to apply to the risk pool for assistance
7 remaining from the distributions.

8 Basic eligibility and other requirements for risk pool
9 assistance under Code section 426B.5, other than date
10 requirements specified by the bill and disregard of the
11 temporary federal assistance provided through the federal
12 American Recovery and Reinvestment Act of 2009, remain
13 applicable. The following basic eligibility requirements
14 apply: the county complies with reporting requirements, the
15 county levied the maximum authorized for the fiscal year, and
16 the county's ending balance in the fiscal year that commenced
17 two years prior to the fiscal year of application, after
18 disregarding the temporary federal assistance, was equal to or
19 less than 20 percent of the county's actual gross expenditures
20 for that fiscal year.

21 Under Code section 426B.5, risk pool assistance shall only
22 be made available to address one or more of the following
23 circumstances:

24 (1) Continuing support for mandated services.

25 (2) Avoiding the need for reduction or elimination of
26 critical services when the reduction or elimination places
27 consumers' health or safety at risk.

28 (3) Avoiding the need for reduction or elimination of a
29 mobile crisis team or other critical emergency services when
30 the reduction or elimination places the public's health or
31 safety at risk.

32 (4) Avoiding the need for reduction or elimination of
33 the services or other support provided to entire disability
34 populations.

35 (5) Avoiding the need for reduction or elimination of

1 services or other support that maintain consumers in a
2 community setting, creating a risk that the consumers would be
3 placed in more restrictive, higher cost settings.

4 The bill provides for the following dates to be used
5 relating to the assistance authorized by the bill: a county's
6 application for risk pool assistance must be received by the
7 department of human services within 10 calendar days of the
8 enactment date of the bill, the risk pool board shall make its
9 final decisions concerning the acceptance or rejection of the
10 applications for assistance within 15 working days of the final
11 receipt date for applications, and the warrants providing the
12 assistance to counties shall be issued within 15 working days
13 of the date the risk pool board's funding decisions are issued.
14 The bill takes effect upon enactment.